THE HONOURABLE MS JUSTICE G.ROHINI

WRIT PETITION No.34482 of 1997

Dated 15th February 2007

Between:

Sri Shiridi Saibaba Samsthan Trust, Dilshuknagar, Hyderabad, represented by its Chairman, S.Ramachandra Rao.

……Petitioner

and

The Government of Anhdhra Pradesh, represented by its Secretary, Revenue (Assignment-III) Department, Secretariat Buildings, Hyderabad and others.

……..Respondents.

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ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents in trying dispossess the petitioner from the land in S.No.31/2 of Gaddiannaram Village, Saroornagar Mandal, Ranga Reddy District, to an extent of 358 Square Yards, as arbitrary and illegal.

The petitioner is a Trust-Sri Shiridi Saibaba Samsthanam, Dilshuknagar, Hyderabad. It is alleged in the affidavit filed in support of the writ petition that the Trust Board of the petitioner passed a resolution requesting the Government to alienate the vacant site to an extent of 358 Square yards just opposite side to the temple abutting the Saroornagar Police Station. Pursuant thereto, the 1st respondent by letter dated 4-4-1997 requested the petitioner to submit a requisition in prescribed pro-forma which was complied with and consequently,

the 1st respondent issued G.O.Ms.No.1041, Revenue (Assignment-III) Department, dated 10-12-1997 alienating the land in question in favour of the petitioner on payment of Rs.800/- per Square Yard.

The said amount was paid on 11-12-1997 and thereafter the site was handed over to the petitioner under a panchanama conducted by the 3rd respondent.

While the petitioner was taking up of construction in the said site, it is alleged that the respondents 4 and 5 who are the police officials made hectic efforts to dispossess the petitioner's temple. Hence, this writ petition.

In response to the Rule Nisi ordered, the Circle Inspector of Police, Saroornagar Police Station, filed a counter stating that the land assigned by the Revenue Department was resumed long back and therefore, the petitioner was restrained from trespassing into the land in question. The claim of the petitioner that they are holding title and possession of the land in question has been denied and it is stated that the action being taken by the respondents 4 and 5 is only to maintain the law and order.

The rival claims made with regard to the title and possession of the land in question cannot be enquired into and decided by this Court. However, the fact remains

that the petitioner has already raised certain structures on the land in question and the same has been in possession of the temple which is being used for the purpose of Nityanna Dana Scheme. In the circumstances, even assuming that the petitioner had trespassed into the said land, the respondents 5 and 6 cannot take any coercive steps unilaterally without affording an opportunity to the petitioner to put forth their version.

Accordingly, the writ petition is disposed of with a direction to the 1st respondent not to interfere with the possession of the petitioner in respect of the land in question without following due process of law. No order as to costs.

(G.ROHINI, J)

Dated: 15th February 2007
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